

IN THE DRAWINGS

Corrected drawings are supplied herewith.

Enclosed is a Replacement Sheet showing the following amendment to Figure 1. Callout 28 is removed.

Enclosed is a Replacement Sheet showing the following amendment to Figure 2. Callout 41 and the box identified as "User Information" are removed.

REMARKS

This responds to the Office Action mailed on February 16, 2005, and the references cited therewith.

Claims 1, 10, and 16-30 are amended; as a result, claims 1-30 are now pending in this application.

Objections to the Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description 28, 41, 714, 810, 824, 826 and 916. Responsive to these rejections Applicants submit the following amendments: Figures 1 and 2 have been amended to remove reference characters 28 and 41, respectively; the specification has been amended to recite reference characters 714, 810, 824, 826 and 916 in paragraphs 45, 52, 59, 57 and 67, respectively. Support for these amendments may be found in the specification and the drawings. Applicants submit that no new matter has been added to the specification. Accordingly, Applicants request that objections to the Drawings be withdrawn.

§101 Rejection of the Claims

Claims 16-29 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Responsive to this rejection claim 16 has been amended to recite that the method 16 is “a computer-implemented method to cancel feedback pertaining to a transaction in a network-based marketplace.” Applicants submit that the preamble read in conjunction with the limitations appearing in the body of the claim indicate that a computer performs the recited limitations. Accordingly, Applicants request that rejection of claims 16-29 under 35 U.S.C. § 101 be withdrawn.

§102 Rejection of the Claims

Claims 1, 10 and 16 were rejected under 35 U.S.C. § 102(b) for anticipation by eBay (“eBay Feedback Removal Policy”; hereinafter Feedback Removal Policy). Applicants respectfully submit that claims 1, 10 and 16 should not be rejected under 35 U.S.C. § 102(b) for

the reason that the Feedback Removal Policy does not disclose each and every limitation of the claim 16 of the present application.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Claim 16 includes the following limitation:

automatically determining whether one or more feedback cancellation criteria are satisfied

The Office Action, in rejecting claim 16, contends that the above limitation is anticipated by the following disclosure in Feedback Removal Policy:

If you believe that another user has left feedback for you that meets one or more of the below criteria, you should contact eBay by writing to safeharor@ebay.com and seek review. If eBay agrees with you, it will remove the feedback. This process may take several weeks,

Feedback Removal Policy, paragraph 3.

The above quote from Feedback Removal Policy instructs and informs a user that has received feedback from another user. Specifically the Feedback Removal Policy instructs the user to determine to contact eBay in writing if the feedback meets one or more criteria. The Feedback Removal Policy informs the user that eBay will remove the feedback if eBay agrees with the user; however, the process may take several weeks.

Claim 16 requires automatically determining whether one or more feedback cancellation criteria are satisfied. Merely for example, a computer may automatically determine whether feedback cancellation criteria are satisfied. In contrast, the Feedback Removal Policy does not describe automatically determining whether one or more feedback cancellation criteria are satisfied; rather, the Feedback Removal Policy describes a manual process, that involves possibly

waiting several weeks to be notified whether eBay agrees to remove the feedback. Clearly, the Feedback Removal Policy does not describe a determination that is automatic. The Feedback Removal Policy therefore cannot be said to anticipate the above quoted limitation because the Feedback Removal Policy describes a manual process and claim 1 requires automatically determining whether one or more feedback cancellation criteria are satisfied.

In summary, the Feedback Removal Policy does not disclose each and every limitation of claim 1, as required to support a rejection of this claim under 35 U.S.C. § 102(b).

Independent claims 1 and 10 each include a limitation corresponding substantially to the above-discussed limitation of claim 16. The above remarks are accordingly also applicable to a consideration of these independent claims. Accordingly, Applicants request that the above remarks and amendments contained herein also be considered when examining these other independent claims for allow ability.

As dependent claims are deemed to include all limitation of claims from which they depend, the rejection of claims 2-9, 11-15, 17-29 and 31-34 under 35 U.S.C. § 102(b) is also addressed by the above remarks, and the amendments contained herein.

§103 Rejection of the Claims

Claims 2-7, 9, 11-15, 17-20, 22-23, 25 and 29-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over eBay in view of SquareTrade (“How Square Trade’s Dispute Resolution Can Help Resolve Feedback Disputes”; hereinafter SquareTrade).

Applicants respectfully submit that claims 2-7, 9, 11-15, 17-20, 22-23, 25 and 29-34 should not be rejected under 35 U.S.C. § 103 for the reason that prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 30 includes the following limitation:

automatically determining whether one or more feedback cancellation criteria are satisfied

The Office Action, in rejecting claim 30, contends that the above limitation is anticipated by the following disclosure in Square Trade:

eBay will consider your request for feedback removal when SquareTrade notifies eBay....

SquareTrade, paragraph identified 3.

The above quote from SquareTrade describes a request for feedback removal that is received by SquareTrade. Specifically, eBay will consider the request for feedback removal when SquareTrade notifies eBay.

Claim 30 requires automatically determining whether one or more feedback cancellation criteria are satisfied. Merely for example, the automatic determination may be performed with a processor. In contrast, the above quote from SquareTrade does not describe automatically determining whether one or more feedback cancellation criteria are satisfied; rather, the above quote from SquareTrade describes notifying eBay regarding a request for feedback removal and the Feedback Removal Policy described above indicates that eBay may require a party to wait several weeks regarding whether eBay agrees to remove the feedback. Clearly, SquareTrade describes a request for feedback removal that is not automatic. SquareTrade therefore cannot be said to anticipate the above quoted limitation because SquareTrade describes notifying eBay regarding a request for feedback removal and eBay may require a party to wait several weeks before eBay agrees to remove the feedback. In contrast, claim 30 requires automatically determining whether one or more feedback cancellation criteria are satisfied.

Independent claim 30 includes a limitation corresponding substantially to the above-discussed limitation of claim 16. The above remarks are accordingly also applicable to a consideration of this independent claim.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 31-34 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 2-7 and 9 depend on independent claim 1; claims 11-15 depend on independent claim 10; and, claims 17-20 depend on independent claim 16. If an independent claim is nonobvious under 35 U.S.C. § 102 then, any claim depending therefrom is nonobvious and rejection of claims 2-7, 9, 11-15, and 17-20 under 35 U.S.C. § 102 is also addressed by the above remarks.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-846-8871 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date 6/13/2005

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Signature

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13 day of June, 2005.

Peter Rebuffoni

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